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LOS ANGELES

Nazar Haro

A federal judge has thrown out a \$11 million libel suit against Time magazine filed by a former head of the Mexican Directorate of National Security who is facing car smuggling charges in the United States.

A story in the magazine alleged that the U.S. government protected the official, Miguel Nazar Haro, from prosecution as a car smuggler, saying he had been the CIA's most important intelligence source in Mexico.

U.S. District Judge Robert Takasugi on Monday threw out the suit filed by Nazar Haro because he failed to appear for a deposition last Dec. 1, said attorney Marvin Mitchelson.

Takasugi said Nazar Haro was unlikely to appear in any U.S. court.

After Nazar Haro filed the suit in Los Angeles last year, he was charged in San Diego with conspiracy and aiding and abetting in the smuggling of cars across the Mexican-U.S. border.

He was released after posting \$200,000 cash on \$1 million bail, but he failed to appear at a preliminary hearing and apparently fled to Mexico.

Mitchelson said Nazar Haro feared he would be arrested on the auto smuggling charge if he came here for the libel suit deposition.

An aide who answered a call to Nazar Haro's home in Mexico City said he wasn't in. Nazar Haro repeatedly has refused comment on the case since returning to Mexico, but when he came to the United States to file the libel suit, he declared his innocence at a Los Angeles news conference.

U.S. Attorney Robert Rose in San Diego said extradition of Nazar Haro was under consideration, but it was not clear if extradition was possible under current treaties with Mexico.

The Time article was based on a story in the San Diego Tribune early last year. It quoted then-U.S. Attorney William Kennedy as saying the U.S. Justice Department had blocked a car smuggling indictment against Nazar Haro because he had allegedly been an important intelligence source.

Kennedy, 52, who had been San Diego U.S. attorney since Nov. 2, 1981, was fired by President Reagan on April 15, after the Tribune story appeared. He has since been hired as a deputy district attorney in San Diego County.